

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MEMORANDUM AND ORDER

Plaintiff has filed a post-dismissal amended complaint. Although plaintiff did not move for leave to file an amended complaint, the Court will construe the document as a motion for leave to amend for the purposes of this Order.

Although the Federal Rules have a liberal policy towards amendments, “[p]ost-dismissal motions to amend are disfavored,” *In re Medtronic, Inc., Sprint Fidelis Leads Products Liability Litigation*, 623 F.3d 1200, 1208 (8th Cir. 2010), and amendments should not be granted when they would be frivolous or “futile,” *Foman v. Davis*, 371 U.S. 178, 182 (1962).

The allegations in plaintiff's amended complaint do not state a claim upon which relief can be granted. They are the same allegations as, or are substantially similar to, his original claims. As a result, the proposed amendments are futile.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to docket plaintiff's amended complaint [ECF No. 7] as a motion for leave to file an amended complaint.

IT IS FURTHER ORDERED that plaintiff's motion for leave to file an amended complaint is **DENIED**. [Doc. 7]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of June, 2015.